

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD RICHARD NISSEN,

Defendant.

CR 13–59–BLG–DWM–TJC

ORDER

On May 14, 2024, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the December 12, 2023 petition for revocation of Defendant Donald Richard Nissen’s supervised release. (Docs. 53, 69.) The petition alleges two violations: (1) being charged with criminal possession of dangerous drugs and paraphernalia under Montana law and (2) associating with a convicted felon without prior authorization. (See Doc. 53.) At a final revocation hearing on May 14, 2024, Nissen admitted to the second violation and the government moved to dismiss the first. (See Doc. 69 at 2.) Based on the admitted conduct, Judge Cavan found that Nissen committed the violation alleged in the petition and recommends that supervised release be revoked and that this Court

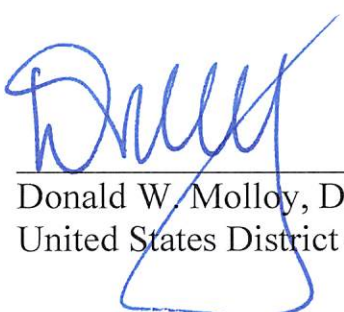
sentence Nissen to a custodial sentence of time served, followed by 52 months of supervised release. (*Id.* at 5.)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan's conclusion that the defendant violated the conditions of his release in the manner set forth in the petition, and that the defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 69.)

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation, (Doc. 69), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 29<sup>th</sup> day of May, 2024.

  
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Donald W. Molloy, District Judge  
United States District Court